

Message Text

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TO AMEMBASSY ROME

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TAGS: EAID, IT

SUBJECT: AMERICAN COUNCIL FOR VOLUNTARY AGENCIES FOR
ITALIAN SERVICES

REF: ROME 17536

1. RE PARA 3.A., REFTEL, DEPARTMENT BELIEVES 1948 AGREEMENT
REQUIRES DUTY-FREE TREATMENT OF ITEMS DESCRIBED IN 1(A),
(B), AND (C) OF THE AGREEMENT REGARDLESS OF EXISTENCE OF
ENDSI. THAT PORTION OF FIRST SENTENCE OF PARA 1(A)
MENTIONING ENSDI FROM "SUCH SUPPLIES" THROUGH "RELIEF
GOODS" IS VIEWED AS DESCRIPTION OF TREATMENT NOT CONDITION
FOR CONTINUANCE OF AGREEMENT.

2. RE PARA 3.B. REFTEL, STRICT LEGAL INTERPRETATION WOULD
REMOVE LEGAL OBLIGATION OF GOI TO PROVIDE FREE TRANSPORTA-
TION FOR ITEMS ADMITTED ON DUTY-FREE BASIS. IF THE SPECIAL
ACCOUNT (LIRE FUND) DESCRIBED IN PARA 2(B) OF THE AGREEMENT
EXISTED, FREE TRANSPORTATION FOR THE ITEMS DESCRIBED IN
PARA 1(C) COULD BE PROVIDED.

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3. APART FROM ABOVE CONSIDERATIONS, THE TERMS OF AGREEMENT SUGGEST THAT GOI HAS MORAL OBLIGATION TO REPLACE ENDSI AND TO CONTINUE TO PROVIDE FREE TRANSPORTATION; THIS WOULD CALL

FOR AMENDMENT OF 1948 AGREEMENT. ON THE OTHER HAND, THIS AGREEMENT DOES NOT APPEAR TO BE SERVING THE POST-WORLD WAR II PURPOSES FOR WHICH IT WAS DESIGNED. TERMINATION OF ENDSI MAY REFLECT THIS FACT. IF GOI NO LONGER WISHES TO PROVIDE SUCH FREE TRANSPORTATION SERVICES (AS WELL AS DUTY FREE ENTRY), THEN THE AGREEMENT PROBABLY SHOULD BE TERMINATED OR AT LEAST MODIFIED TO STATE PRESENT INTENTIONS.

4. IF THE GOI WERE TO WISH SUCH RELIEF TO CONTINUE, ALTERATION OF 1948 AGREEMENT WOULD APPEAR ADVISABLE. THUS, DEPARTMENT REQUESTS EMBASSY'S VIEWS ON DESIRABILITY OF RAISING MATTER WITH APPROPRIATE GOI OFFICIALS TO SET FORTH ABOVE LEGAL VIEWS AND TO EXPLORE POSSIBILITY OF REVISING AGREEMENT. DEPARTMENT IS INTERESTED TO KNOW IF DUTY FREE IMPORTATION PRIVILEGES WERE GRANTED DURING RECENT MONTHS.

5. BEFORE QUESTION OF ALTERING 1948 AGREEMENT CAN BE RAISED WITH GOI, CIRCULAR 197 PROCEDURE (11 FAM 722.1) MUST BE COMPLETED. KISSINGER

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